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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,264	06/20/2003	Edward A. Hill	100110242-1	6734

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EXAMINER

CHAWAN, SHEELA C

ART UNIT PAPER NUMBER

2624

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,264

Applicant(s)

HILL ET AL.

Examiner

Sheela C. Chawan

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-19 is/are allowed.
- 6) ☒ Claim(s) 1-4, 21, 24, 25 and 28 is/are rejected.
- 7) ☒ Claim(s) 5-9, 22, 23, 26, 27, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/7/05, 2/6/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. Information Disclosure submitted on 1/7/05 and 2/6/05 have been considered by the examiner.

Drawings

2. Drawings filed on 6/20/03 have been approved by the examiner.

Claim Objections

3. Claim 20 is objected to because of the following informalities:

Claim 20, line 1, change " 7 " to --18 --

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 21, 24-25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeran et al. (US 6,643,037 B1--IDS).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As to claim 1, Jeran et al. disclose an optical object detector (Figure 2) comprising:

a feed path (column 4, lines 25-33; a fixed page scan area 56 which includes an ADF scan area 58 and page detect area 60 can provide a feed path);

a reference pattern facing the feed path (indicium 46 included in the lower surface 39 of the platen cover 30 can provide a reference pattern as mentioned at column 6, lines 17-23 that indicium may be differently shaped and sized or form a pattern; see also column 4, lines 34-46);

an optical sensor (image sensor 38 as shown in Figure 2 is an optical sensor) configured to view the reference pattern (46) through the feed path, absence of the reference pattern (46) from the view of the optical sensor (38) indicating presence of an object in the feed path (document page 39 or 43 provides an object; column 3, lines 6-17; Figure 5; column 5, lines 40-63).

As to claim 2, Jeran et al. disclose the optical object detector of claim 1, wherein the reference pattern (46; column 2, lines 34-46; column 6, lines 17-23) reliably differs from patterns of objects (document pages 39, 43 provide an object having different image data to be scanned) in the feed path as viewed by the optical sensor (38).

As to claim 3, Jeran et al. disclose the optical object detector of claim 1, which further comprises a light source 36 in Figure 2 is a light source) configured to direct light across the feed path, and wherein the optical sensor (image sensor 38) includes one or

more corresponding light receptors (optics system 40 corresponds to a light receptor) configured to receive corresponding reflected light (59 indicates a reflected light) reflected from the feed path such that the reflected light is indicative of optical sensor view (Figure 2, position A and position B indicate an optical sensor view).

As to claim 4, Jeran et al. disclose the optical object detector of claim 1, which further comprises a comparator (step 68 in Figure 5 corresponds to a function of a comparator) in operative communication with the optical sensor (38) to receive a signal indicative of an viewable pattern (document pages 39 and 43 will likely have a viewable pattern) viewed by the optical sensor (38), the comparator (step 68) being configured to compare the viewable pattern with the reference pattern (46), a predetermined difference (step 68 can determine the predetermined difference) between the viewable pattern and the reference pattern indicating obstruction of the reference pattern.

As to claim 21, Jeran et al. disclose an imaging device (Figures 1-2) comprising:
feed mechanism configured to direct an object along a feed path through a scan region of the imaging device (Figure 1);

a backing (39) to the scan region (56), the backing defining a reference pattern (46);

an optical sensor (38) configured to view the scan region (56) to identify a viewable pattern (document pages 39 and 43 likely have viewable patterns) as viewed by the optical sensor (38);

a processor (22, 24) configured to identify presence in the scan region of an object which is to be scanned by the imaging device based on comparison of the viewable pattern with the reference pattern (Figure 5).

As to claim 24, Jeran et al. disclose the imaging device of claim 21, which further comprises a light source (36) configured to generate a light array directed across the feed path, and wherein the optical sensor (38) includes one or more corresponding light receptors (40) configured to receive a corresponding reflected light (59) array reflected from the feed path such that the reflected light array is indicative of optical sensor view (Figure 5).

As to claim 25, Jeran et al. disclose the imaging device of claim 21, wherein the reference pattern (46) extends substantially across the backing (39), transverse to the feed path (column 4, lines 34-46).

As to claim 28, Jeran et al. disclose an imaging device (Figures 1-2) including a scan region (56) with a backing (39) having a reference pattern (46) thereon, the imaging device comprising:

means for viewing through the scan region to identify successive viewable patterns (ADF is used to scan a plurality of pages which can inherently provide successive viewable patterns); and

means for comparing (step 68 in Figure 5 can provide a comparator means) the successive viewable patterns with the reference pattern (46), a difference between viewable pattern and reference pattern signifying presence in the scan region of an object which is to be scanned by the imaging device (column 3, lines 6-16; Figure 5).

Allowable Subject Matter

5. Claims 5-9, 22-23, 26-27 and 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-19 are allowed.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leisner (US 5,078,379) discloses a document set end detection.

Charych et al. (US 5,478,998) disclose a tilting wall-mounted optical scanner.

Benedict et al. (US 5,488,458) disclose a duplex printing integrity system.

Grunder (US 4,966,354) discloses a method of and machine for gathering paper sheets and the like.

Gatto et al. (US 6,107,913) disclose a scratchable conductive latex document scanner.

Sato (US 4,300,169) discloses a facsimile operation method.

Khormaei (US 5,397,192) discloses a shuttle-type printers and methods for operating same.


Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
September 13, 2006


SHEELA CHAWAN
PRIMARY EXAMINER